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1st Session. }

SENATE.

{ REPORT
{ No. 571.

IN THE SENATE OF THE UNITED STATES.

APRIL 19, 1892.—Ordered to be printed.

Mr. VILAS, from the Committee on Indian Affairs, submitted the following

REPORT:

[To accompany S. 334.]

The Committee on Indian Affairs, to whom was referred the bill (S. 334) "to authorize the Secretary of the Interior to fulfill certain treaty stipulations with the Chippewa Indians of Lake Superior and the Mississippi, and making appropriations for the same," having given the bill due consideration, respectfully report:

The claim presented by this bill seeks only a long delayed redress for acts of neglect on the part of the United States in the fulfillment of pecuniary promises which were made for valuable cessions of land, some of them a half century ago, and of which the Indian grantors, though sometimes suffering the extreme of want, have been unjustly deprived.

The breach of faith to these unfortunate people is a greater reproach to the Government by reason of the fact that, while so many tribes and bands of the western Indians have resorted to war in their exasperation, the Chippewas have been uniformly faithful and friendly. It is to be especially remembered that in the troubles of 1862 and 1863, when the Sioux rose upon the defenseless settlements of the northwest and waged hostilities upon the whites, which, in the multitude of murders and enormous destruction of property, finds few parallels in the story of our relations with the aboriginal tribes, and engaged in their confederation nearly all of the Indian tribes that could be brought to the theater of war, the Chippewas alone resisted all entreaties and influences and remained steadfast in fidelity to the Government and in friendship to the white people. It is hoped that, although so long delayed, they may at least receive in the payment to them of their just dues, some evidence that the United States are not utterly forgetful of their deserts.

By the treaty of July 29, 1837, (7 Stat. 536, Rev. Ind. Treas., 149) in consideration of a cession of valuable country in northwestern Wisconsin, the United States agreed—

To make to the Chippewa nation, annually, for the term of twenty years from the date of the ratification of this treaty, the following payments:

- (1) Nine thousand five hundred dollars, to be paid in money.
- (2) Nineteen thousand dollars, to be delivered in goods.
- (3) Three thousand dollars for establishing three blacksmith shops, supporting the blacksmiths, and furnishing them iron and steel.
- (4) One thousand dollars for farmers, and for supplying them and the Indians,

with implements of labor, with grain or seed, and whatever else may be necessary to enable them to carry on their agricultural pursuits.

(5) Two thousand dollars in provisions.

(6) Five hundred dollars in tobacco.

By articles three and four of the treaty, other payments were to be made to the half breeds and in payment of certain claims against the the Indians therein named.

As will appear by the abstract of balances, furnished by the Commissioner of Indian Affairs and hereunto annexed, of the amounts provided to carry out the obligations of this treaty, a total sum of \$52,664.17 was covered into the Treasury in different amounts at the dates therein named, from June 30, 1843, to September 30, 1852, inclusive, which ought to have been rendered to these people.

By the treaty of October 4, 1842, proclaimed March 28, 1843 (7 Stat., 591, Rev. Ind. Treas., 217), in consideration of another large cession of land, the United States engaged—

to pay to the Chippewa Indians of the Mississippi and Lake Superior, annually, for twenty-five years, twelve thousand five hundred dollars in specie, ten thousand five hundred (\$10,500) dollars in goods, two thousand (\$2,000) dollars in provisions and tobacco, two thousand (\$2,000) dollars for the support of two blacksmith shops, * * * one thousand (\$1,000) for pay of two farmers, twelve hundred (\$1,200) for pay of two carpenters, and two thousand (\$2,000) for the support of schools for the Indians party to this treaty; and further, * * * the sum of five thousand (\$5,000) dollars as an agricultural fund, to be expended under the direction of the Secretary of War. And also the sum of seventy-five thousand (\$75,000) dollars shall be allowed for the full satisfaction of their debts within the ceded district, which shall be examined by the commissioner to this treaty, and the amount to be allowed to be decided upon by him, * * * the United States shall pay the amount so allowed within three years.

Of the amounts required to be paid by this treaty and appropriated therefor, there were covered into the Treasury at four different dates, beginning June 30, 1848, and ending June 30, 1873, a total sum of \$2,848.87, as appears by the abstract of balances before mentioned.

In the treaty of September 30, 1854 (10 Stat., 1109 Rev. Ind. Trea., 222), in consideration of a third large cession of land, the United States agreed—

to pay to the Chippewas of Lake Superior annually, for the term of twenty years, the following sums, to wit: five thousand dollars *in coin*; eight thousand dollars in goods, household furniture and cooking utensils; three thousand dollars in agricultural implements and cattle, carpenters' and other tools, and building materials, and three thousand dollars for moral and educational purposes; * * * also the further sum of ninety thousand dollars, as the chiefs in open council may direct, to enable them to meet their present just engagements.

Of the sums so required to be paid and appropriated therefor there was covered into the Treasury, in five sums, on the 30th day of June, in the years 1877, 1878, and 1880 a total of \$10,992.76, as appears by the abstract of balances above referred to and hereunto annexed.

By the treaty of February 22, 1855 (10 Stat., 1165 Rev. Ind. Trea., 263), in consideration of further cessions by the Mississippi and other bands of the Chippewas, the United States agreed to pay other large sums of money, much exceeding the stipulations of any previous treaty, and not necessary here to recapitulate.

Of these sums, and the appropriations therefor, a total of \$15,196.81 was also covered into the Treasury, as shown by the abstract of balances above referred to and hereunto annexed.

Thus a total, under all these treaties, now remains in the Treasury of the United States of sums specifically declared to belong to these Indians as well as promised to be paid to them, amounting to \$81,702.61.

When the treaty of 1854 came to be made the Indians had already

learned how faithless the Government could be to its promises and, being reluctant to trust it again, the commissioners made provision to meet their just complaints by the ninth article of that treaty in these words:

The United States agree that an examination shall be made, and all sums that may be found equitably due to the Indians, for arrearages of annuity or other thing, under the provisions of former treaties, shall be paid as the chiefs may direct.

That examination appears to have been made, with more or less completeness, but not until 1860, and a sum then exceeding \$92,000 was found to be due, but no results apparently came from it of benefit to these people.

That the entire amount as shown to have been thus specifically their due, and covered into the Treasury of the United States because not paid out, according to the statement of balances furnished by the Commissioner of Indian Affairs, ought to be rendered to them, can be open to no question whatever.

They are entitled to a further allowance upon another basis.

In 1863 and 1864 three payments were made them in currency, which by the specific terms of their treaties they were entitled to have had in specie or in coin. The necessities of the Government were then great, but its obligation was none the less binding; and it forced upon these Indians the losses which payment in its currency inflicted. The amount should now be made good.

The Commissioner of Indian Affairs, in his communication to the Secretary of the Interior, transmitted to a member of the committee, and in the table accompanying that communication, stated the amount due upon this account at the difference in currency between the amount which should have been paid in currency at the respective values that the currency bore at the several times of payment, together with interest thereon at 5 per cent per annum. Upon his attention being again called to the point, he reiterates the opinion that the amount due upon this account is the difference in currency between what the Indians should have received and did receive in currency, and not the difference between what they should have received in coin and the coin value of what they did receive; and refers to the case of the appropriation in 1886 to the Pottowattomie Indians upon a similar account, when Congress, having both modes open, selected the currency balance as the proper amount due to those Indians.

It appears very plain to the committee, however, that the balance which remained due when the payment was made was the balance undischarged of the obligation then payable, and that what the United States owe these Indians is the balance of the treaty payment then due, which remained undischarged after applying the currency at its coin value. This amount is shown by the table furnished by the Commissioner to be \$10,600.08. The currency balance upon the other basis the Commissioner states in his first table at the sum of \$18,670.39.

The Commissioner recommends, and computes accordingly, the allowance of interest upon the undischarged balance of payment. But the committee are unable to see any difference between the one case and the other of these deferred obligations, and feel bound by the rule that the United States will not pay interest on delayed claims.

The amount thus found due to the Indians is \$92,302.69, which ought to be paid without delay.

Your committee therefore recommend amendments to the bill, to conform it to the foregoing views, as follows:

- (1) Strike out of lines 6, 7, and 8 of the first section the words

"one hundred and seventeen thousand four hundred and twenty-four dollars and ten cents," and insert instead thereof the words "ninety-two thousand three hundred and two dollars and sixty-nine cents."

(2) Strike out of lines 16, 17, and 18 of the first section the words "with interest at the rate of five per centum per annum from date of said Treasury warrants to February sixth, eighteen hundred and eighty."

(3) Strike out of lines 1, 2, and 3 of the second section the words "one hundred and seventeen thousand four hundred and twenty-five dollars and ten cents," and insert instead thereof the words "ninety-two thousand three hundred and two dollars and sixty-nine cents."

(4) Strike out of lines 1 and 2 of section 3 the words "one hundred and seventeen thousand four hundred and twenty-four dollars and ten cents," and insert instead thereof the words "ninety-two thousand three hundred and two dollars and sixty-nine cents."

(5) Strike out the entire preamble of the bill.

And as so amended your committee recommend the passage of the bill.

Subjoined to this report are a letter by the Secretary of the Interior to a member of the committee, with the letter of the Commissioner of Indian Affairs thereby transmitted and accompanying tables, and also a letter by the Commissioner of Indian Affairs to the same committee-man with the modified table in regard to the payments made in 1863 and 1864. Particular reference is also made to the speech of Hon. J. H. Stewart, member of the House of Representatives of the Forty-fifth Congress, and the various documents exhibited in connection therewith, to be found in volume 8 of the Congressional Record, Appendix to part 3, third session of Forty-fifth Congress, page 134 *et seq.*

DEPARTMENT OF THE INTERIOR,

Washington, March 24, 1892.

SIR: I have the honor to acknowledge the receipt of your communication of 12th instant and accompanying bill, S. 334, "to authorize the Secretary of the Interior to fulfill certain treaty stipulations with the Chippewa Indians of Lake Superior and the Mississippi, and making appropriation for the same."

In response thereto I transmit herewith copy of a communication of 23d instant from the Commissioner of Indian Affairs, to whom the same was referred, which it is believed contains the information desired.

Very respectfully,

JOHN W. NOBLE,
Secretary.

HON. WM. F. VILAS,
United States Senate.

DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs, March 23, 1892.

SIR: I have the honor to be in receipt by your reference on the 14th instant for report of a communication from Hon. William F. Vilas, United States Senate, inclosing Senate bill 334, "to authorize the Secretary of the Interior to fulfill certain treaty stipulations with the Chippewa Indians of Lake Superior and the Mississippi, and making appropriations for the same."

The Senator requests that there be transmitted to him, as a subcommittee of the Committee on Indian Affairs, all the particulars of information necessary to an understanding of the case, so far as the same may be had in this office or in the records of the Department; also an opinion in regard to the merits of the bill and of its details.

The bill recites as follows: "Whereas, under the treaty between the United States and the Chippewa Indians of Lake Superior and the Mississippi, concluded September 30, 1854, and under prior treaties, the United States agreed that an examination shall be made, and all sums that may be found equitably due to the Indians for

arrears of annuity or other things under the provisions of former treaties shall be paid; and

"Whereas such examination has long been made by the United States; and

"Whereas as the result of such examination there was found equitably due said Indians the sum of \$117,424.10, as appears in Report No. 50, House of Representatives, Forty-sixth Congress, third session; and

"Whereas no part of said amount has ever been paid; and

"Whereas, under the provisions of that certain act of Congress approved January 14, 1889, the different bands or tribes of the Chippewa Indians in the State of Minnesota have ceded to the United States all of their lands and reservations in Minnesota, except the White Earth Reservation, such cession comprising nearly 4,000,000 acres of valuable lands; and

"Whereas as the result of such cession and the proposed allotment of lands in severalty to said Indians thereunder, the said Indians are to take lands in severalty, adopt the customs of civilization, and become citizens; and

"Whereas the performance of said treaty stipulations, by the payment of said money, will greatly assist said Indians in the above prospective change in condition and habits; now therefore

"Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to set aside in the Treasury of the United States, to the credit of the Chippewa Indians of Lake Superior and Mississippi, the sum of \$117,424.10, the sum being the total amount arising from balances of appropriations under treaties with said Indians, and covered into the Treasury between the years 1843 and 1878, inclusive, and the aggregate difference between the coin value of payments made in currency during the years 1863 and 1864, at the dates of Treasury warrants, and the amounts due in coin by treaty stipulations, with interest at the rate of 5 per cent per annum from date of said Treasury warrants to February 6, 1880.

"Sec. 2. That the said amount, \$117,424.10, shall be by the Secretary of the Interior paid to the Chippewa Indians of Lake Superior and of the Mississippi in the proportion, if any, due to each (in case it shall be found that a division of such fund is equitable), or invested or applied for their benefit by the said Secretary, as may be deemed most advantageous for the interests of said Indians.

"Sec. 3. That the sum of \$117,424.10 be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, for the purpose of carrying the provisions of this act into effect."

In reply I have to state that the claims of the Chippewa Indians, as required by the ninth article of the treaty with the Chippewas of September 30, 1854 (10 Stats., p. 1111), were fully investigated in 1879, under a resolution of the House of Representatives, by a subcommittee composed of two members, viz, Hon. George M. Beebe, and Hon. J. H. Stewart, and J. L. Mahan, Indian agent (detailed by this office for the purpose of assisting in the investigation), the full report of which committee will be found in the Congressional Record, Vol. 8, part 3, and appendix Forty-fifth Congress, third session, p. 134, which report is full and explicit, and is substantially correct.

I have caused an examination to be made of the abstract of balances of appropriations carried to the surplus fund, as printed in the Record, aggregating \$85,174.01, and find that at this date, owing to certain payments having been made after the date mentioned, viz, April 30, 1878, the amounts have been reduced, and I submit herewith a corrected statement as a basis for an appropriation by Congress, amounting to \$81,702.61.

This aggregate is largely made up of unexpended balances of appropriations, provided by Congress years ago under treaty stipulations, for support of schools, mills, shops, and various employes, and for agricultural assistance, and was not used or expended for their benefit, owing to the fact that the Indians were unsettled and not disposed to change their mode of life; and further, for the reason that there was a lack of energy on the part of the superintendent and agents who had charge of said Indians, in inaugurating measures that would tend to their advancement in education, civilization, and agricultural pursuits.

The Chippewas are now in an advanced state of civilization and are anxious to build houses, to receive the benefit of schools, and to contribute to their support by individual exertions in agricultural pursuits and other modes of civilized life, but are very poor, owing to the expiration of their money annuities.

I also submit herewith a copy of a statement prepared by the Comptroller of the Currency showing the coin value of the several payments made in currency during the years 1863 and 1864, and the amount of interest due on currency balances up to February 6, 1879, amounting to \$32,298.77, with an addition of the sum of \$12,135.75, being interest at 5 per cent on currency balances due up to February 6, 1892—thirteen years—making an aggregate of \$44,434.52.

This amount is justly and equitably due the Chippewas, as their several treaties provide that money annuities shall be paid in coin. The records of this office and

of the Treasury Department show that the advances to superintendents and Indian agents for these Indians in 1863 and 1864 were made in currency.

Attention is invited to the letter of the Commissioner of Indian Affairs, dated February 11, 1879, marked H, page 136 of the record, hereinbefore referred to, in which is fully explained the currency advances made to agents for payment to said Indians in 1863 and 1864; also to 16 Stats., 337, where it will be seen that a similar appropriation was made for the benefit of the Indians located at Mackinac Agency, Mich.

Agreeably with the changes in the amounts found to be due these Indians, the aggregate will amount to \$126,137.13.

I have therefore to recommend that the bill be amended in the following particulars, viz:

Strike out in lines 6, 7, and 8 the words "one hundred and seventeen thousand four hundred and twenty-four dollars and ten cents," and insert in lieu thereof "one hundred and twenty-six thousand one hundred and thirty-seven dollars and thirteen cents."

Strike out in line 18 the words "eighteen hundred and eighty," and insert in lieu thereof the words "eighteen hundred and ninety-two."

In section 2, lines 1 and 2, strike out the words "one hundred and seventeen thousand four hundred and twenty-five dollars and ten cents," and insert in lieu thereof "one hundred and twenty-six thousand one hundred and thirty-seven dollars and thirteen cents."

In section 3 strike out in lines 1 and 2 the words "one hundred and seventeen thousand four hundred and twenty-four dollars and ten cents," and insert in lieu thereof "one hundred and twenty-six thousand one hundred and thirty-seven dollars and thirteen cents."

With these modifications the bill and letter of Senator Vilas are respectfully returned to the Department for approval and favorable recommendation to Congress.

Very respectfully, your obedient servant,

T. J. MORGAN,
Commissioner.

The SECRETARY OF THE INTERIOR.

Abstract of balances of appropriations covered into the United States Treasury, between the years 1843 and 1880, inclusive, belonging to the Chippewas of the Mississippi and of Lake Superior, as reported by the Second Auditor and the Commissioner of Indian Affairs, under the following treaties, viz:

June 30, 1843.....	Treaty of July 29, 1837 (7 Stats., 536) surplus	\$42,515.59
June 30, 1846.....	do	6,321.12
June 30, 1849.....	do	2,380.37
Sept. 30, 1852.....	do	1,447.09
June 30, 1848.....	Treaty of Oct. 4, 1842 (7 Stats., 591), surplus	1,924.26
Dec. 1848.....	do	500.00
Sept. 1852.....	do	103.73
June 30, 1873.....	do	320.88
June 30, 1877.....	Treaty of Sept. 30, 1854 (10 Stats., 1109), surplus prior to 1873	6,032.75
do	Treaty of Sept. 30, 1854 (10 Stats., 1109), surplus year 1874	1,073.69
June 30, 1878.....	Treaty of Sept. 30, 1854 (10 Stats., 1109), surplus prior to 1873	2,742.06
do	Treaty of Sept. 30, 1854 (10 Stats., 1109), surplus year 1876	585.06
June 30, 1880.....	Treaty of Sept. 30, 1854 (10 Stats., 1109), surplus year 1878	559.20
June 30, 1875.....	Treaty of Feb. 22, 1855 (10 Stats., 1165), surplus prior to 1873	9,937.78
June 30, 1877.....	do	5,259.03
Total		81,702.61

Statement by the Comptroller of the Currency of the coin value of the several payments made in currency during the years 1863 and 1864 to the Chippewa Indians of Lake Superior and the Mississippi.

Date of Treasury warrants.	Amounts due in coin at the dates named.	Average currency price at the dates named.	Currency value of amounts named in the first column.	Balance due in currency at dates named in first column.	Interest at 5 per cent per annum on currency balance.	Principal and interest due in currency Feb. 6, 1879.
July 15, 1863.....	\$10,666.66	\$1.29	\$13,759.99	\$3,093.33	\$2,406.77	\$5,500.10
Aug. 13, 1863.....	4,166.66	1.26 $\frac{1}{2}$	5,281.24	1,114.58	862.86	1,977.44
Oct. 10, 1864.....	14,833.32	1.97 $\frac{1}{2}$	29,295.80	14,462.48	10,358.75	24,821.23
				18,670.39		
Balance of principal and interest due Feb. 6, 1879.....						32,298.77
Add thirteen years' interest to Feb. 6, 1892, on currency balances.....						12,135.75
Total.....						44,434.52

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, March 29, 1892.

SIR: I have the honor to acknowledge the receipt of your communication of the 26th instant, in which you acknowledge the receipt through the honorable Secretary of the Interior, of office report dated March 23, in reference to the bill "to fulfill treaty obligations with the Chippewas of Lake Superior and the Mississippi," and in which you call attention to the tables taken from the Comptroller of the Currency's tables furnished some years ago, with a view to asking the opinion of this office whether they should not be constructed, in justice to the Government, upon the following basis:

"That the third column of figures should be the coin value of the currency payments then made, and the fourth column the balances due in coin after the application of the currency payments at their coin value; and the residue of the table constructed upon a simple computation of interest upon the coin balances actually due, from the dates of their respective payments of currency, applicable to those payments, to the present time."

In reply I have to state that it is the opinion of this office that in equity the Indians named in the bill are entitled to the difference in currency, with 5 per cent interest on currency balances to the present time, as set forth in the table accompanying office report of the 23d instant, but as suggested by you I have caused to be prepared and submit herewith a modified statement, constructed to conform to your suggestions, showing a balance of principal and interest due June 30, 1892, amounting to \$25,491.51, instead of \$44,434.52, as shown in first table.

If this amount of \$25,491.51 should be awarded by the committee as the correct sum due said Indians the bill should be amended as follows:

Strike out in lines 6 and 7 the words "one hundred and seventeen thousand four hundred and twenty-four dollars and ten cents," and insert in lieu thereof "one hundred and seven thousand one hundred and ninety-four dollars and twelve cents."

In lines 17 and 18 strike out "February 6, 1880," and insert in lieu thereof "June 30, 1892."

In section 2, lines 1 and 2, strike out "one hundred and seventeen thousand four hundred and twenty-five dollars and ten cents," and insert in lieu thereof "one hundred and seven thousand one hundred and ninety-four dollars and twelve cents."

In this connection I invite your attention to an act approved August 4, 1886 (24 Stats., 272), fourth paragraph, in which appears an appropriation for the Pottawatomie Indians in the sum of \$49,382.08, being the difference in currency between the amount paid to said Indians in currency, in the years 1863, 1864, 1865, 1866, and 1867, and the sum due in coin under their treaties of 1818 and 1829, as required to be ascertained by article 9 of the treaty of August 7, 1868.

In this case the Indian Office prepared and submitted to Congress two tables, one giving value in coin of the currency paid and the difference in coin between the coin due and the coin value of the currency paid, and another table giving the currency value, at the time of the payment, of the coin due, and the difference of that sum and the one actually paid in currency.

Congress, by appropriating \$49,382.08, adopted the latter table. It should, however, be stated that no interest was allowed by Congress.

I return herewith the tables inclosed in your communication.

Very respectfully,

T. J. MORGAN,
Commissioner.

Hon. WILLIAM F. VILAS,
United States Senate.

Modified statement by the Indian Office of the statement made by the Comptroller of the Currency of the value of the several payments in currency during the years 1863 and 1864 to the Chippewa Indians of Lake Superior and Mississippi.

Date of Treasury warrants.	Amounts due in coin at dates of warrants but paid in currency.	Average currency price at dates named.	Coin value of amounts named in first column.	Balances due in coin at the dates named in first column.	Interest at 5 per cent on coin balances to June 30, 1892.	Principal and interest due June 30, 1892.
July 15, 1863....	\$10,666.66	129	\$8,268.72	\$2,397.94	\$3,472.08	5,870.02
August 13, 1863.	4,166.66	126½	3,287.30	879.36	1,269.77	2,149.13
October 10, 1864.	14,833.32	197½	7,510.54	7,322.78	10,149.55	17,472.36
				10,600.08		
Balance of principal and interest due June 30, 1892.....						25,491.51